

# **Notice of Allowability**

## **Application No.**

10/068,590

Examiner

Yaritza Guadalupe

## **Applicant(s)**

ETO ET AL.

Art Unit

2859

## **-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Final filed October 16, 2003
  2. ☒ The allowed claim(s) is/are 1, 2, 4, 5 and 7-10
  3. ☒ The drawings filed on 06 February 2002 are accepted by the Examiner.
  4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☒ All b) ☐ Some\* c) ☐ None of the:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
    - (a) ☐ The translation of the foreign language provisional application has been received.
  6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
    - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
    - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- 1 ☒ Notice of References Cited (PTO-892)
- 2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3 ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. \_\_\_\_\_
- 4 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5 ☐ Notice of Informal Patent Application (PTO-152)
- 6 ☐ Interview Summary (PTO-413), Paper No. \_\_\_\_\_
- 7 ☐ Examiner's Amendment/Comment
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

### DETAILED ACTION

In response to Amendment After Final filed October 16, 2003

#### *Reasons for Allowance*

1. The following is an examiner's statement of reasons for allowance:
  - a. Claims 1 - 2, 4 - 5 and 8 - 9 are allowable over the Prior Art of Record because it fails to teach or suggest a lens shape measuring apparatus comprising a lens fixing jig installed in a lens to clamp the lens, and an arithmetic control means for measuring a shape of the lens and for identifying a shape of the lens fixing jig, wherein the arithmetic control means measures a size of an outer shape of the lens fixing jig based on both the moving distance of the measuring element and a signal from the measuring unit in combination with the remaining limitations of the claims.
  - b. Claim 7 is allowable over the Prior Art of Record because it fails to teach or suggest a lens shape measuring apparatus comprising a lens fixing jig installed in a lens to clamp the lens, and arithmetic control means for moving a tip of the measuring element relatively in the direction roughly parallel to the lens rotation shaft, measuring a distance from a measuring reference position of the measuring element to an abutting position of the same by the measuring unit, and identifying a shape of the lens fixing jig

based on a result of the measurement, wherein the arithmetic control means measures a size of an outer shape of the lens fixing jig in combination with the remaining limitations of the claims.

c. Claim 10 is allowable over the Prior Art of Record because it fails to teach or suggest a lens fixing jig installed in a lens to be processed, arithmetic control means for identifying a shape of the lens fixing jig, wherein the arithmetic control means controls the feeler of the measuring element to move on the lens fixing jig such that the feeler is positioned above the lens fixing jig, controls the moving distance of the feeler of the measuring element such that the feeler is close to said lens fixing jig, and detects whether or not the feeler is abutted on a side face of the lens fixing jig and judges whether or not the lens fixing jig is large or small in diameter to identify the shape of the lens fixing jig in combination with the remaining limitations of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe whose telephone number is (703)305 -5676. The examiner can normally be reached on 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (703) 308-3875. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.



Yaritza Guadalupe  
Patent Examiner  
Art Unit 2859  
November 17, 2003

DIEGO F.F. GUTIERREZ  
SUPERVISOR PATENT EXAMINER  
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